

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

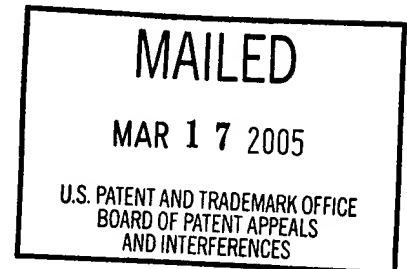
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MAURIZIO VALLERI

Appeal No. 2005-0756
Application 09/463,586

ORDER DISMISSING APPEAL



Before HARKCOM, Acting Chief Administrative Patent Judge, and
WILLIAM F. SMITH and NASE, Administrative Patent Judges.

Per curiam.

On January 10, 2005, counsel for the appellant filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.


Gary V. Harkcom, Acting Chief
Administrative Patent Judge

BOARD OF PATENT APPEALS AND INTERFERENCES

James V. Costigan
Hedman, Gibson & Costigan
1185 Avenue of the Americas
Suite 2003
New York, NY 10036-2601

dem